

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHARLES T. PALADINO,)	
)	
Petitioner,)	Case No. 1:10-cv-272-SJM-SPB
)	
v.)	
)	
DEBRA SAUERS, Superintendent)	
SCI Forest, <i>et al.</i> ,)	
)	
Respondents.)	

MEMORANDUM ORDER

The instant petition for writ of habeas corpus was received by the Clerk of Court on November 15, 2010 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Report and Recommendation, filed on December 17, 2010 [3], recommends that the instant petition for writ of habeas corpus be summarily dismissed without service because Petitioner has failed to make a facial showing that he would be entitled to the relief he seeks. See 28 U.S.C. § 2243. The Magistrate Judge further recommends that no certificate of appealability be issued.

Petitioner was allowed fourteen (14) days from the date of service in which to file objections. Service was made on Petitioner by certified mail at SCI Forest, where he is presently incarcerated. No objections to the Report and Recommendation have been filed, but on December 20, 2010, Petitioner filed an "Expedited Motion to Extradite Petitioner" [4].

After de novo review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 18th day of January, 2011;

IT IS ORDERED that the Petition for Writ of Habeas Corpus be, and hereby is, DISMISSED. Inasmuch as jurists of reason would not find it debatable whether the Petitioner has made a substantial showing of the denial of a constitutional right, IT IS FURTHER ORDERED that no certificate of appealability shall issue.

The Report and Recommendation of Magistrate Judge Baxter, filed on December 17, 2010 [3], is adopted as the opinion of the Court.

Finally, upon consideration of the Petitioner's "Expedited Motion to Extradite Petitioner" [4], IT IS FURTHER ORDERED that said motion is DENIED.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record

U.S. Magistrate Judge Susan Paradise Baxter